

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

MICHELLE CAIN and RADHA SAMPAT,

Plaintiffs,

v.

REDBOX AUTOMATED RETAIL, LLC,

Defendant.

Case No. 2:12-cv-15014-GER-LJM
Honorable Gerald E. Rosen
Mag. Judge R. Steven Whalen

**UNOPPOSED MOTION FOR ORDER PERMITTING REDBOX
AUTOMATED RETAIL, LLC TO FILE EXHIBITS UNDER SEAL**

Defendant Redbox Automated Retail, LLC (“Redbox”) hereby moves for leave to file one exhibit to its Brief in support of its Motion for Summary Judgment (“Brief”) under seal, and six exhibits to the Declaration of Michael Wokosin (“Wokosin Declaration”) submitted in support of Redbox’s Motion for Summary Judgment under seal in accordance with LR 5.3(b), LR 26.4 and the Protective Order (Docket No. 34) previously entered in this case. In support of this Motion, Redbox is submitting a Brief and Proposed Order contemporaneously with this Motion. Redbox hereby certifies that pursuant to Local Rule 7.1(a), there was a conference between attorneys for Plaintiffs and for Redbox on August 28, 2014

and Plaintiffs' attorneys indicated they would not oppose the relief sought in this Motion.

WHEREFORE, Defendant Redbox Automated Retail, LLC respectfully requests that this Court enter an Order granting this Motion and entering the proposed Order tendered with this Motion.

Dated: September 5, 2014

Respectfully submitted,

/s/ John Grossbart

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**BRIEF IN SUPPORT OF UNOPPOSED MOTION FOR ORDER
PERMITTING REDBOX AUTOMATED RETAIL, LLC TO FILE
EXHIBITS UNDER SEAL**

ISSUE PRESENTED

Should Defendant Redbox Automated Retail, LLC be permitted to file certain exhibits under seal in support of its Motion for Summary Judgment?

Defendant Redbox says: YES.

CONTROLLING AUTHORITY

E.D. Mich. LR 5.3

Defendant Redbox Automated Retail, LLC (“Redbox”) submits this brief in support of its unopposed motion to file certain exhibits for its Motion for Summary Judgment under seal. Redbox seeks to seal file one exhibit to its Brief in support of its Motion for Summary Judgment (“Brief”) under seal, and six exhibits to the Declaration of Michael Wokosin (“Wokosin Declaration”) submitted in support of Redbox’s Motion for Summary Judgment under seal in accordance with LR 5.3(b), LR 26.4 and the Protective Order (Docket No. 34) previously entered in this case.

The following is a description of the specific exhibits Redbox seeks to file under seal, as well as the basis for sealing each such exhibit:

- Exhibit 1 to its Brief, excerpts from the deposition of Plaintiff Radha Sampat, which contains information protected by the Michigan Video Rental Privacy Act (“VRPA”). A publicly available version with redactions only for the information protected by the VRPA has been filed.
- Exhibits 2 and 3 to the Wokosin Declaration, Plaintiffs’ rental history with Redbox, both of which contain information protected from disclosure by the VRPA.
- Exhibit 16 to the Wokosin Declaration, contracts between Redbox and certain third-parties, all of which were marked as Confidential pursuant to the Protective Order, and contain sensitive and proprietary information to Redbox and those third-parties.

- Exhibit 17 to the Wokosin Declaration, an affidavit produced by a third-party subpoenaed in this matter, which was marked by that third-party as Confidential pursuant to the Protective Order. The affidavit attaches the contract between Redbox and that third-party, which contains sensitive and proprietary information regarding Redbox and that third-party.
- Exhibit 18 to the Wokosin Declaration, a transcript of a phone call placed by Plaintiff Radha Sampat to Redbox's customer service representatives, which contains information protected by the VRPA.
- Exhibit 19 to the Wokosin Declaration, a screenshot of Redbox's customer service system, which contains information protected by the VRPA as well as a view of Redbox's proprietary customer service support software.

Pursuant to Local Rule 5.3(b)(2)(A)(iv), means other than sealing is not available or unsatisfactory for each of these exhibits because they either contain information protected by statute from disclosure, or contain sensitive business information to either Redbox or a third-party.

CONCLUSION

Redbox respectfully requests that this Court enter the Proposed Order Permitting it to file certain exhibits under seal.

Dated: September 5, 2014

Respectfully submitted,

/s/ John Grossbart

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Attorneys for Defendant Redbox Automated Retail, LLC

CERTIFICATE OF SERVICE

I, John Grossbart, an attorney, hereby certify that on September 5, 2014, I filed a copy of the foregoing on the following counsel for Plaintiffs Michelle Cain and Radha Sampat via the CM/ECF system, which will send notification to all parties of record.

/s/ John Grossbart

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